



2000 Legislative Implementation Plan

July 2000
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2000 Legislative Implementation Plan



Washington State Department of Ecology
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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1987

Providing tax exemptions and credits to encourage a reduction in agricultural burning of cereal grains and field and turf grass grown for seed

PROGRAM IMPACTS

ESHB 1987 requires Ecology to consult with the Department of Revenue and provide information to assist Revenue in determining eligibility for tax exemptions authorized by the legislation.

Ecology is to:

- Provide information on farming practices Ecology examined as part of its rule change certifying an alternative to grass seed field burning;
- Provide a list of typical farm equipment and machinery that qualify for the tax exemption;
- Provide updates on current research projects exploring various farming practices and the effects on emissions;
- Participate in developing criteria if Department of Revenue believes doing so would be helpful to determine when the “air emissions resulting from field burning are decreased” section of the bill should be triggered.

RESOURCE IMPACTS

No resources were provided to Ecology to implement this bill. Ecology expects the workload to be small and will assist Revenue as time and resources permit. No new staff will be hired.

WORK PLAN

- Spring 2000 - Provide information on farming practices and a list of qualifying farm equipment to Revenue.
- Ongoing - Provide updates to Revenue on current research projects exploring farming practices and the effects on emissions.

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FINAL BILL REPORT

E2SHB 1987

C 40 L 00

Synopsis as Enacted

Brief Description: Providing tax exemptions and credits to encourage a reduction in agricultural burning of cereal grains and field and turf grass grown for seed.

Sponsors: By House Committee on Finance (Originally sponsored by Representatives Schoesler, Grant and G. Chandler).

House Committee on Agriculture & Ecology

House Committee on Finance

Senate Committee on Ways & Means

Background:

The Department of Ecology has phased out the ability of farmers to burn field and turf grass for seed in most instances because of concerns over the air emissions resulting from the burning. The Department initially adopted a regulation which provided that, without regard to any previous burn history, each farmer in 1996 was limited to burning the greater of two-thirds of the acres burned under a permit issued in 1995 or two-thirds of the acres in grass seed production on May 1, 1996. Beginning in 1997 and until approved alternatives become available, each farmer was limited to burning no more than one-third of the acres in grass seed production on May 1, 1996. In May 1998, burning was no longer authorized for field and turf grass seed unless an exemption applied because the Department concluded that mechanical residue management constitutes a practical alternative to burning. This process is reasonably available throughout the state wherever baling can be used.

Burning is still allowed, however, for cereal grains as a method to get rid of the straw. A memorandum of understanding has been signed by the Washington Association of Wheat Growers and the Departments of Agriculture and Ecology to reduce emissions from agricultural burning by 50 percent over the next seven years. Tax incentives to encourage alternatives to this burning may result in further reductions in air emissions from burning cereal grains and field and turf grass grown for seed.

Summary of Bill:

The retail sales tax does not apply to sales of machinery and equipment, or to services rendered in constructing structures, installing, constructing, repairing, cleaning, decorating, altering, or improving structures or eligible machinery or equipment, or to sales of personal property that is a component or ingredient of eligible structures, machinery or equipment that meets the criteria for reducing agricultural burning of cereal grains and field and turf grass grown for seed.

The use tax does not apply to the use of machinery and equipment, or personal property that becomes a component or ingredient of eligible machinery and equipment that meets the criteria for reducing agricultural burning of cereal grains and field and turf grass grown for seed.

The retail sales and use tax exemptions apply if the machinery, equipment, or structure is used more than half of the time for gathering, densifying, processing, handling, storing, transporting, or incorporating straw or straw-based products that results in either less field burning of cereal grains and field and turf grass grown for seed or decreasing air emissions resulting from field burning of cereal grains and turf grass grown for seed.

To claim the retail sales and use tax exemptions, the person taking the exemption must keep records necessary for the Department of Revenue to verify eligibility. The Department of Agriculture and the Department of Ecology must consult with the Department of Revenue regarding the information necessary for administration of these exemptions. To claim the retail sales tax exemption, the buyer must provide the seller with an exemption certificate in a form and manner prescribed by the Department of Revenue. The seller must keep a copy of the certificate in the seller's files.

All personal property that is exempt from the retail sales and use taxes because it meets the criteria for reducing agricultural burning of cereal grains and field and turf grass grown for seed is also exempt from property taxes.

A person who is eligible for the retail sales or use tax exemption for purchasing eligible machinery and equipment or constructing eligible structures may take a credit against the business and occupation tax equal to 50 percent of the amount of costs expended for which an exemption was taken. An applicant is not eligible for tax credits in excess of the amount of tax that would otherwise be due, and approved credits may not be carried over to subsequent years or be exchanged for refunds. No application is necessary to obtain the business and occupation tax credit, but the person taking the credit must keep records necessary for the Department of Revenue to verify eligibility. No business and occupation tax credit may be claimed for expenditures that occurred before the effective date the act.

All tax incentives created to encourage alternatives to field burning of cereal grains and field and turf grass grown for seed expire on January 1, 2006, except that the personal property tax exemption expires on January 1, 2007.

Votes on Final Passage:

House	95 0
Senate	42 5

Effective: March 22, 2000

Roll Calls on a Bill: 1987 (1999-00)

Brief Providing tax exemptions and credits to encourage a reduction in
Description: agricultural burning of cereal grains and field and turf grass grown for
seed.

1999 Regular Session

Chamber: HOUSE
Bill No.: E2SHB 1987
Description: FINAL PASSAGE
Item No.: 3
Transcript No.: 94
Date: 04-14-1999

Yeas: 96 Nays: 00 Absent: 00 Excused: 02

Voting Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt,
yea: Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G.,
Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin,
Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer,
Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins,
Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster,
Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris,
Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette,
Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero,
Ruderman, Santos, Schindler, Schmidt, D., Schmidt, K., Schoesler, Schual-
Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump,
Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Speaker
Ballard, and Speaker Chopp
Excused: Representatives Quall, Veloria

2000 Regular Session

Chamber: HOUSE
Bill No.: E2SHB 1987
Description: FINAL PASSAGE
Item No.: 17
Transcript No.: 36
Date: 02-14-2000

Yeas: 95 Nays: 00 Absent: 00 Excused: 03

Voting Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt,
yea: Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G.,
Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin,
Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser,
Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst,
Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk,
Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell,

Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp

Excused: Representatives Eickmeyer, Radcliff, Scott

2000 Regular Session

Chamber: SENATE
Bill No.: E2SHB 1987
Description: THIRD READING - FINAL PASSAGE.
Item No.: 26
Transcript No.: 54
Date: 03-03-2000

Yeas: 42 Nays: 05 Absent: 00 Excused: 02

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn, Zarelli

Voting nay: Senators Jacobsen, Kline, Kohl-Welles, Patterson, Thibaudeau

Excused: Senators Loveland, Sellar

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2420

Providing for oil and gas pipeline safety

PROGRAM IMPACTS

This bill requires enhanced state regulation of gas and hazardous liquid pipelines to the extent allowed by federal law and rule. Stronger rules for intrastate and interstate pipelines are mandated, as well as training for local first responders and third-party excavators. Also required is creation of a GIS database of all pipelines in the state, and improved one-call systems for notifications or location information. A separate hazardous liquid pipeline account is created to fund pipeline safety activities.

Although the bill appears to transfer responsibility for hazardous liquid pipelines to Ecology, the Governor stated in his veto message of March 28, 2000, (vetoing a section excluding petroleum pipelines wholly owned and located on one property) that the bill does not mandate a transfer. Therefore, the Washington Utilities and Transportation Commission retains responsibility for all pipelines in Washington. Under this interpretation, the impacts to Ecology under the bill would be presentations at the request of the citizen's advisory committee formed under section 14 and consultation on training programs for first responders.

RESOURCE IMPACTS

Minor.

WORK PLAN

None.

Contact person: Jeff Fishel - Spill Prevention, Preparedness & Response Program

Phone: (360) 407-7504; E-mail: jfis461@ecy.wa.gov

FINAL BILL REPORT

E2SHB 2420

PARTIAL VETO

C 191 L 00

Synopsis as Enacted

Brief Description: Providing for oil and gas pipeline safety.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Linville, G. Chandler, Morris, Ericksen, Quall, Kastama, Santos, Grant, Stensen, Keiser, Poulsen, Wensman, Scott, Rockefeller, Reardon, Kenney, Cody, Lovick, Cooper, Koster, Haigh, McDonald, Van Luven, Lantz, Wood, Regala, Edmonds, Hurst, Dunshee, Constantine, Dickerson, Wolfe, Ogden, Ruderman and McIntire).

House Committee on Agriculture & Ecology

House Committee on Appropriations

Senate Committee on Environmental Quality and Water Resources

Background:

The Federal Pipeline Safety Act provides the statutory basis for the federal and state oil and gas pipeline safety programs. This law provides for exclusive federal authority over the regulation of interstate pipeline facilities and for federal delegation to the states of all or part of the responsibility for intrastate pipeline facilities under annual certification or agreement. The federal Office of Pipeline Safety (OPS) within the U.S. Department of Transportation is responsible for administering the act.

Washington is certified to assume safety responsibilities related to intrastate pipelines. The state's program is carried out within the Utilities and Transportation Commission.

The federal law and OPS have been criticized by government officials and others for providing inadequate protection of public and environmental safety. The chair of the National Traffic Safety Board (NTSB), the agency charged with investigating pipeline accidents, suggested in public remarks in December of 1999 that the OPS has ignored many of its longstanding recommendations, including requiring rapid shutdown of failed pipelines, periodic inspection or testing of old pipelines, and improved training of employees. The National Governors Association adopted a policy at its Winter 2000 meeting urging Congress to amend the federal Pipeline Safety Act to authorize states to establish safety standards that do not conflict with but may exceed federal standards. The policy also urges that Congress require OPS to strengthen rules, as appropriate, regarding pipeline operation, maintenance, and public reporting of spills and leaks. In addition, state and local government officials

and others have noted that the OPS has too few inspectors to adequately monitor the millions of miles of oil and gas pipeline throughout the nation.

On June 10, 1999, a 16-inch diameter pipeline owned by the Olympic Pipe Line Company ruptured and leaked approximately 277,000 gallons of gasoline into creeks in Whatcom Falls Park in Bellingham, Washington. The gasoline ignited and caused a fireball that traveled approximately 1.5 miles downstream from the pipeline failure location. As a result, three young people lost their lives. Significant property and environmental damage also occurred.

Since 1964 spills in Washington have totaled 905,000 gallons for pipelines, 1.3 million gallons for facilities such as refineries and terminals, and 4.6 million gallons for vessels.

As a result of the tragedy in Bellingham, the Governor convened a fuel accident prevention and response task force. The task force met six times between July and December 1999 and issued a set of recommendations. The Governor's principal priorities are to seek reauthorization of the Federal Pipeline Safety Act that provides additional authority to states for setting of safety standards, as well as additional funding for the state's pipeline safety activities.

Summary of Bill:

Definitions are provided to clarify the distinctions between hazardous liquid and gas pipelines. A reportable release is defined as a release of more than 42 gallons of hazardous liquid.

A comprehensive program of hazardous liquid pipeline safety is authorized and is to be developed and implemented consistent with federal law. The Utilities and Transportation Commission (UTC) is charged with administering and enforcing all laws related to hazardous liquid pipeline safety, until federal preemption is eliminated or states are authorized to enforce safety requirements for interstate hazardous liquid pipelines. At that time, the hazardous liquid pipeline program may transfer to the Department of Ecology (DOE).

The UTC's responsibilities include adoption of rules requiring pipeline companies to: design, construct, operate, and maintain their pipeline facilities so that they are safe and efficient; rapidly locate and isolate reportable releases from pipelines; report emergency situations; have trained and certified personnel who operate the pipelines and associated systems; and submit operations safety plans to the UTC once every five years. The safety plans must include emergency response procedures. The UTC approves the plans when they are deemed fit for service for a particular pipeline system.

A hazardous liquid pipeline safety account is created. Federal funds received before June 30, 2001, are treated as unanticipated funds and may be expended without appropriation for the designated purposes.

The UTC is directed to develop a training curriculum aimed at the prevention of third-party damage to pipelines, in consultation with pipeline companies and operators and excavation and construction industries. The UTC must also develop a plan for distributing the curriculum.

The UTC must require hazardous liquid pipeline companies to provide maps of the location and depth of their pipelines to specifications developed by the commission. The UTC also must evaluate the sufficiency of the maps and consolidate them into a state-wide geographic information system (GIS). The UTC must assist local governments to obtain pipeline location information and maps, which are to be made available to the locator services designed to let excavators know the location of underground utilities. The mapping system must be completed by January 1, 2006. The UTC must develop a plan for funding the GIS and report its recommendations to the Legislature by December 15, 2000.

By June 30, 2001, the Municipal Research Council is directed to develop a model ordinance that establishes setback and depth requirements for new pipeline construction, and a model franchise agreement for jurisdictions through which a pipeline is located.

The UTC and the DOE are directed to apply for delegation of federal authority for purposes of enforcing federal hazardous liquid pipeline safety requirements. After Washington has received federal delegation of authority, the UTC is authorized to inspect pipelines periodically and to collect fees. The UTC is also directed to seek and accept delegation of federal authority for purposes of enforcing federal laws covering gas pipeline safety. The UTC may inspect any record and other appropriate information required to be kept by hazardous liquid or gas pipeline companies.

All powers, duties, and functions of the UTC pertaining to hazardous liquid pipeline safety may be transferred to the DOE upon the DOE's receipt of delegated federal authority over interstate hazardous liquid pipelines, or earlier, as the Office of Financial Management may determine, in the event that federal law is amended to remove the preemption of state regulation.

A citizen's committee on pipeline safety is established. The 13-member committee consists of nine voting members representing local government and the public, and four nonvoting members representing owners and operators of hazardous liquid and gas pipelines.

The UTC is directed to establish or cause to be established a single state-wide telephone number to be used for referring excavators to the appropriate one-number locator service. One-number locator services must be operated by non-governmental entities. The UTC, in consultation with the Washington Utilities Coordinating Council, must establish minimum standards and best management practices for one-number services consistent with the recommendations in the Governor's accident prevention and response task force report. The UTC must provide its recommendations to the Legislature by December 31, 2000.

The director of fire protection within the Washington State Patrol is required to assess the preparedness and needs of local emergency services organizations, develop training curricula for training local first responders, and address emergency management.

Before any excavation, excluding agricultural tilling less than twelve inches in depth, the excavator must notify pipeline companies of the scheduled excavation through a one-number locator service. If a pipeline company is notified that excavation work will occur near a pipeline, a representative of the company must consult with the excavator on-site prior to excavation. No damaged pipeline may be buried until it is repaired or relocated. Pipeline companies must take all appropriate steps to ensure public safety in the event of a release of hazardous liquid or gas.

Penalties are provided for:

- willful damage or removal of a permanent or temporary marking to identify underground facilities; and
- failure to notify the one-number locator service and causing damage to pipelines.

Penalties recovered related to damage of hazardous liquid pipelines are deposited into the hazardous liquid pipeline safety account, and penalties recovered related to gas pipelines are deposited in the general fund for the purpose of enforcing gas pipeline safety laws.

Pipelines wholly located on a person's property are exempt from the provisions of this act.

Votes on Final Passage:

House	95	0	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Senate	47	0	(Senate amended)
House	98	0	(House concurred)

Effective: March 28, 2000

Partial Veto Summary: The Governor vetoed the section that would have exempted from inspection petroleum pipelines that are wholly owned by an individual and are wholly located on the individual's property.

Roll Calls on a Bill: 2420 (1999-00)

Brief Description: Providing for oil and gas pipeline safety.

2000 Regular Session

Chamber: HOUSE
 Bill No.: E2SHB 2420
 Description: FINAL PASSAGE
 Item No.: 24
 Transcript No.: 36
 Date: 02-14-2000

Yeas: 95 Nays: 00 Absent: 00 Excused: 03

Voting
 yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp
 Excused: Representatives Eickmeyer, Radcliff, Scott

2000 Regular Session

Chamber: SENATE
 Bill No.: E2SHB 2420
 Description: AMENDMENT NUMBER 225 BY SENATOR HONEYFORD, ON PAGE 11, LINE 15 - FAILED.
 Item No.: 52
 Transcript No.: 53
 Date: 03-02-2000

Yeas: 19 Nays: 27 Absent: 01 Excused: 02

Voting
 yea: Senators Benton, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley, Zarelli
 Voting
 nay: Senators Bauer, Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl-Welles, Loveland, McAuliffe, McDonald, Patterson, Prentice, Rasmussen, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Wojahn
 Absent: Senator Finkbeiner
 Excused: Senators Deccio, Sellar

2000 Regular Session

Chamber: SENATE
Bill No.: E2SHB 2420
Description: FINAL PASSAGE AS AMENDED BY THE SENATE.
Item No.: 53
Transcript No.: 53
Date: 03-02-2000

Yeas: 46 Nays: 00 Absent: 00 Excused: 03

Voting Senators Bauer, Benton, Brown, Costa, Eide, Fairley, Franklin, Fraser,
yea: Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford,
Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe,
McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach,
Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens,
Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli
Excused: Senators Deccio, Finkbeiner, Sellar

2000 Regular Session

Chamber: SENATE
Bill No.: E2SHB 2420
Description: FINAL PASSAGE AS AMENDED BY THE SENATE.
Item No.: 28
Transcript No.: 59
Date: 03-08-2000

Yeas: 47 Nays: 00 Absent: 00 Excused: 02

Voting Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner,
yea: Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey,
Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long,
Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice,
Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder,
Spanel, Stevens, Swecker, West, Winsley, Wojahn, Zarelli
Excused: Senators Sellar, Thibaudeau

2000 Regular Session

Chamber: HOUSE
Bill No.: E2SHB 2420
Description: FINAL PASSAGE AS AMENDED BY THE SENATE
Item No.: 4
Transcript No.: 60
Date: 03-09-2000

Yeas: 98 Nays: 00 Absent: 00 Excused: 00

Voting
yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt,
Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G.,
Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin,
Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen,
Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff,
Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville,
Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell,
Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen,
Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos,
Schindler, Schmidt, D., Schoesler, Schual-Berke, Scott, Skinner, Sommers, D.,
Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven,
Veloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker
Chopp

SUBSTITUTE HOUSE BILL 2441

Increasing government accountability through the state sunset review process

PROGRAM IMPACTS

The impacts of this measure will fall upon programs or other elements of the Agency scheduled for sunset review under Chapter 43.131 RCW. The most significant addition to the process of preparing for sunset review is a requirement that the affected entity or entities develop performance measures and data collection plans within one year of being scheduled for sunset review. These are to be submitted for review and comment by the Joint Legislative Audit and Review Committee (JLARC), and are part of the basis for the program and fiscal review conducted by JLARC.

RESOURCE IMPACTS

Resource requirements and burdens should be slight, since many Ecology programs have been developing and using performance measures for some time. There appears to be adequate staff available to assist any programs needing help with this process.

WORK PLAN

Process – Fulfilling the requirements of this act (and the other requirements associated with sunset review) is essentially a reactive process stimulated by a program or other agency element being listed for sunset review in Chapter 43.131 RCW. Absent this, there appear to be no special requirements for Ecology.

Timeline – Development of performance measures and data collection plans is to occur within one year of a sunset review listing. Implementation of these would occur (generally) over the subsequent five to six years.

No additional staff is needed.

Contact person: Jerry Thielen - Economic and Regulatory Research Section

Phone: (360) 407-7551; E-mail: jthi461@ecy.wa.gov

FINAL BILL REPORT

SHB 2441

C 189 L 00

Synopsis as Enacted

Brief Description: Increasing government accountability through the state sunset review process.

Sponsors: By House Committee on State Government (originally sponsored by Representatives Wensman, Ogden, Rockefeller, McMorris, Alexander, Regala, Mielke, Doumit, Thomas, Kessler, Hatfield, O'Brien, Lisk, McDonald, Carlson, Conway, Mulliken, Koster, Woods, Talcott, Huff, Radcliff, Wolfe, Ruderman, Edmonds, Pflug, Parlette, Esser, Hurst and Benson; by request of Joint Legislative Audit & Review Committee).

House Committee on State Government
Senate Committee on State & Local Government

Background:

The Legislature may schedule a program or agency to be terminated under the sunset review process. The Joint Legislative Audit and Review Committee (JLARC) must conduct a program and fiscal review of the program or entity scheduled for termination and prepare a preliminary report of its review by June 30 of the year prior to the termination date. The factors the JLARC must use when conducting the review are specified by statute and vary depending on whether the entity being terminated is a regulatory entity. After the JLARC completes the preliminary report, the Office of Financial Management may then conduct its own review by September 30 of the same year. The JLARC must transmit a copy of the final report to the Legislature, the Governor, the affected agency, and the State Library.

Subsequent to receipt of the final report, the appropriate standing committees of the House and Senate must hold hearings to consider the final report and any related data. Following the hearing, the committees may propose legislation reestablishing, modifying, or transferring the functions of the program or agency.

If an agency is terminated under the sunset process, it continues its existence until June 30 of the next succeeding year.

The sunset review process expires on June 30, 2000.

Summary of Bill:

The sunset review process can be applied to any "entity," which includes state offices, boards, commissions, units or sub-units, and agencies. "Entity" also

includes programs and activities involving less than the full responsibility of a state agency, and parts of the Revised Code of Washington.

Unless provided otherwise, the sunset review process must take at least seven years. An entity scheduled for sunset termination must develop performance measures and data collection plans subject to review and comment by the Joint Legislative Audit and Review Committee (JLARC). The entity bears the burden of demonstrating the extent to which performance results have been achieved.

The JLARC may complete its review of the entity at any time during the calendar year prior to the entity's termination. If the Office of Financial Management issues a response to the JLARC review, the response must be included in the JLARC's final report, along with any response by the affected entity. The factors that the JLARC must consider when reviewing an entity are changed, and no longer vary depending on whether the entity is a regulatory entity. The new factors the JLARC must consider include the extent to which the entity is meeting its performance measures and the possible impact of the termination or modification of the entity.

The requirement that the standing committees of the Legislature hold hearings after the final report is completed is eliminated.

The termination date for the sunset review process is extended until June 30, 2015.

Votes on Final Passage:

House	96	1	
Senate	44	0	(Senate amended)
House	98	0	(House concurred)

Effective: June 8, 2000

Roll Calls on a Bill: 2441 (1999-00)

Brief Description: Increasing government accountability through the state sunset review process.

2000 Regular Session

Chamber: HOUSE
Bill No.: SHB 2441
Description: FINAL PASSAGE
Item No.: 14
Transcript No.: 30
Date: 02-08-2000

Yeas: 96 Nays: 01 Absent: 00 Excused: 01

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp

Voting nay: Representative Veloria

Excused:

Representative Scott

2000 Regular Session

Chamber: SENATE
Bill No.: SHB 2441
Description: FINAL PASSAGE AS AMENDED BY THE SENATE.
Item No.: 4
Transcript No.: 51
Date: 02-29-2000

Yeas: 44 Nays: 00 Absent: 00 Excused: 05

Voting yea: Senators Bauer, Benton, Brown, Costa, Fairley, Finkbeiner, Franklin, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli

Excused: Senators Deccio, Eide, Fraser, Horn, Sellar

2000 Regular Session

Chamber: HOUSE
Bill No.: SHB 2441
Description: FINAL PASSAGE AS AMENDED BY THE SENATE
Item No.: 13
Transcript No.: 59
Date: 03-08-2000

Yeas: 98 Nays: 00 Absent: 00 Excused: 00

Voting
yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp

<p>SUBSTITUTE HOUSE BILL 2466 <i>Creating a ballast water monitoring program</i></p>

PROGRAM IMPACTS

This bill creates a program in the Department of Fish and Wildlife (DFW) to regulate the discharge or treatment of ballast water from ships. Section 10 of the bill requires DFW and Ecology to discuss methods of improving ballast water management on military vessels. A report to the Legislature is due by December 31, 2001, summarizing the results of these discussions. DFW will develop the report.

RESOURCE IMPACTS

Fiscal notes prepared for this bill were based on the assumption that Ecology would be consulted but experience no additional costs as DFW developed and implemented its program.

WORK PLAN

Continue to participate on interagency committees and workgroups.

Contact person: Jeff Fishel – Spill Prevention, Preparedness & Response Program

Phone: (360) 407-7504; E-mail: jfis461@ecy.wa.gov.

FINAL BILL REPORT

SHB 2466

C 108 L 00

Synopsis as Enacted

Brief Description: Creating a ballast water monitoring program.

Sponsors: By House Committee on Natural Resources (originally sponsored by Representatives Regala, Ericksen, Buck, Linville, Anderson, Barlean and Mitchell).

House Committee on Natural Resources

Senate Committee on Natural Resources, Parks & Recreation

Background:

In 1998, the Zebra Mussel and European Green Crab Task Force presented recommendations regarding the introduction of aquatic nuisance species in Washington. The task force focused on four ways aquatic nuisance species may be introduced, including through ballast water. In its final report, the task force included recommendations addressing introduction of aquatic nuisance species through ballast water.

At the national level, a new U.S. Coast Guard interim rule relating to ballast water and aquatic nuisance species went into effect in 1999. The rule established voluntary ballast water management guidelines that apply to vessels with ballast tanks operating in all United States waters. Along with other voluntary provisions, vessels operating beyond the 200-mile-wide Exclusive Economic Zone (EEZ) are asked to use at least one of five ballast water management practices provided in the rule. An exemption is provided if there are concerns about the safety of the vessel, its crew, or its passengers.

The rule's mandatory reporting requirements apply to vessels carrying ballast water into U.S. waters after operating beyond the EEZ. Limited vessel exceptions are provided. The rule details the specific information vessels must submit and when it must be submitted.

To maintain nationwide consistency and avoid potential conflicts and duplication, the Coast Guard has asked any political entity looking at the ballast water issue to first consider the federal rule prior to taking action. However, this regulation is not intended to preempt any state, regional, or local efforts that exceed, but do not conflict, with the standards detailed in the rule.

Summary of Bill:

Ballast water management and monitoring guidelines are established for vessels entering Washington waters. These guidelines apply to all vessels carrying ballast water into state waters except for:

- vessels traversing the internal waters of Washington in the Strait of Juan de Fuca, bound for a port in Canada, and not entering or departing a U.S. port;
- vessels discharging ballast water or sediments only at the location where the ballast water or sediments originated, so long as there is no mixture with ballast water or sediments from areas other than open sea waters;
- vessels not discharging ballast water in Washington waters;
- crude oil tankers' trade that do not exchange or discharge ballast water into Washington waters;
- military and Coast Guard vessels; or
- vessels on innocent passage. Innocent passage involves a foreign vessel traversing the territorial sea of the United States and not entering or departing a U.S. port, or not navigating the internal waters of the United States.

Discharge of ballast water into state waters is authorized if the nonexempt vessel has conducted an open sea exchange of its ballast. An open sea exchange means an exchange that occurs 50 or more nautical miles offshore. If the U.S. Coast Guard requires a vessel to conduct an exchange farther offshore, then that distance is the required distance for compliance. An exemption is provided if the vessel's master "reasonably determines" an exchange would threaten the safety of the vessel or its crew or is not feasible due to vessel design limitations or equipment failure. If a vessel relies on this exemption, then it may discharge its ballast into state waters, subject to any treatment requirements.

After July 1, 2002, discharge of ballast into state waters is authorized only if there has been an open sea exchange or if the vessel has treated its ballast water to meet the standards set by the Department of Fish and Wildlife. When weather or extraordinary circumstances make access to treatment unsafe for the vessel and its crew, the master may delay compliance until it is safe to complete the treatment.

Neither the open sea exchange or treatment requirements apply to vessels discharging ballast water or sediments originating solely within the waters of Washington, the Columbia River system, or the internal waters of British Columbia.

All nonexempt vessels must report ballast water management information to the Department of Fish and Wildlife, using the U.S. Coast Guard's ballast water management forms. Vessels may rely on a recognized marine trade association (RMTA) to collect and forward this information to the Department.

To monitor the effectiveness of national and international efforts to prevent the introduction of non-indigenous species, all nonexempt vessels must submit

non-indigenous species ballast water monitoring data. Vessels may contract with an RMTA to randomly sample vessels within that association's membership and provide data to the Department. Vessels that do not belong to an RMTA must submit individual ballast tank sample data to the department for each voyage.

Civil penalties are provided and may be imposed by the director of Fish and Wildlife or the director's designee. The penalties address violations relating to ballast water discharge, reporting, and monitoring requirements. The Department, in cooperation with members of the U.S. Coast Guard, may enforce the requirements.

The Department, public ports, and shipping industry must promote the creation of a pilot project. The focus of this project is to develop equipment or methods to treat ballast water and establish operational methods that do not increase the cost of ballast water treatment at smaller ports.

The Department is given rulemaking authority to develop treated ballast water discharge standards, to establish the frequency, manner, and form for reporting ballast water information, and to develop ballast water monitoring, sampling, and testing protocols. These rules must be developed in consultation with advisors from regulated industries and potentially affected parties.

The Department of Fish and Wildlife is required to submit two reports to the Legislature summarizing results of the state's ballast water management program and making recommendations to improve it. The first report is due on or before December 1, 2001. This report must describe how the costs of the treatment will be "substantially equivalent" among ports where the treatment is required. The second report must be submitted on or before December 1, 2004.

The Departments of Fish and Wildlife and Ecology must invite representatives from the U.S. Department of Defense to discuss the Department of Defense's efforts regarding ballast water management. The state agencies must submit a report summarizing the results of these discussions to the Legislature by December 31, 2001.

The natural resources committees of the Legislature must review this program and its implementation by December 31, 2005. If needed, the committees are to make recommendations to the 2006 Legislature.

Votes on Final Passage:

House	97	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

Effective: June 8, 2000

Roll Calls on a Bill: 2466 (1999-00)

Brief Description: Creating a ballast water monitoring program.

2000 Regular Session

Chamber: HOUSE
 Bill No.: SHB 2466
 Description: FINAL PASSAGE
 Item No.: 31
 Transcript No.: 32
 Date: 02-10-2000

Yeas: 97 Nays: 00 Absent: 00 Excused: 01

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp
 Excused: Representative Scott

2000 Regular Session

Chamber: SENATE
 Bill No.: SHB 2466
 Description: FINAL PASSAGE AS AMENDED BY THE SENATE.
 Item No.: 3
 Transcript No.: 50
 Date: 02-28-2000

Yeas: 45 Nays: 00 Absent: 00 Excused: 04

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Zarelli
 Excused: Senators Fairley, Oke, Sellar, Wojahn

2000 Regular Session

Chamber: HOUSE
Bill No.: SHB 2466
Description: FINAL PASSAGE AS AMENDED BY THE SENATE
Item No.: 4
Transcript No.: 57
Date: 03-06-2000

Yeas: 97 Nays: 00 Absent: 00 Excused: 01

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp

Excused: Representative Schmidt, D.

SUBSTITUTE HOUSE BILL 2670

Authorizing the Department of Ecology to waive the requirement for a reserve account for local governments maintaining landfills

PROGRAM IMPACTS

The bill amends RCW 70.95.215 to expand local government options regarding financial assurance for landfill disposal facilities. The local government would not be required to establish a reserve account provided Ecology is satisfied that another form of financial assurance is adequate to comply with the requirements of financial assurance for closure and postclosure care. Ecology is not required to adopt rules to implement this statute change.

Ecology will complete a study of financial assurance to include:

- clear description of mechanisms allowed by law;
- summary of current financial assurances mechanisms in use to include, estimated cost and year of closure of all applicable facilities;
- financial mechanisms approved by jurisdictional health departments, and the status of account mechanisms including account balances, loans or encumbrances.

Ecology, with assistance from the Washington Utilities & Transportation Commission will also evaluate the various mechanisms and their effects on rates.

This study is to be completed and submitted to the Legislature by December 15, 2000.

NOTE: The final bill submitted to the Governor included the financial assurance study, and included state SWAC oversight of the study. The Governor vetoed section 2 of the bill [section that required the study] and directed Ecology to complete the study without SWAC oversight.

RESOURCE IMPACTS

No resources were provided to complete the study. However, the Agency has determined that the study can be completed using existing resources.

WORK PLAN

To accomplish the requirements of this bill the program has identified an internal workgroup that will complete the study. The timeline for completion is as follows:

- Gather existing data July 1
- QA/QC data July 30
- DRAFT report Sept. 30
- Public Comment Oct. 30
- Governor's Office Review Nov 10
- [draft study sent at beginning of public comment period]
- Final Report Complete Dec. 15

The study will be done using existing staff.

Contact person: Randy Martin – Air Quality Program

Phone: (360) 407-6136; E-mail: rama461@ecy.wa.gov

FINAL BILL REPORT

SHB 2670

PARTIAL VETO

C 114 L 00

Synopsis as Enacted

Brief Description: Authorizing the Department of Ecology to waive the requirement for a reserve account for landfills.

Sponsors: By House Committee on Agriculture & Ecology (originally sponsored by Representatives Delvin, Linville, G. Chandler and Hankins).

House Committee on Agriculture & Ecology
Senate Committee on Environmental Quality and Water Resources

Background:

State law requires the holder of or an applicant for a permit for a landfill disposal facility to establish a reserve account to cover the costs of closing the facility in accordance with state and federal law. Post-closure care of a landfill is generally required for a period of thirty years, but this length of time may be increased or decreased by the jurisdictional health department under certain conditions. The reserve account must be designed to ensure that there will be adequate revenue available by the projected date of closure.

A landfill disposal facility maintained on private property for the sole use of the entity owning the site, however, is not required to establish a reserve account if the entity provides another form of financial assurance to the satisfaction of the Department of Ecology that is adequate to comply with the closure requirements. An irrevocable letter of credit is an example of another form of financial assurance.

Summary of Bill:

A landfill disposal facility operated and maintained by a government is not required to establish a reserve account to cover the costs of closing a facility if, to the satisfaction of the Department of Ecology, the permit holder or applicant provides another form of financial assurance adequate to comply with the closure requirements. The Department is not required to adopt rules pertaining to other approved forms of financial assurance.

The state Solid Waste Advisory Committee is required to direct a study by the Department of Ecology on the adequacy of financing to assure landfill closure. The study must include a description of the financial assurance mechanisms currently authorized, a summary of the financial assurances currently in place

for landfills in the state, and the effect of various financial assurance mechanisms on consumers' rates. The report is due by December 15, 2000.

Votes on Final Passage:

House	96	1	
Senate	47	0	(Senate amended)
House	98	0	(House concurred)

Effective: June 8, 2000

Partial Veto Summary: The Governor vetoed the section which required the Solid Waste Advisory Committee (SWAC) to direct the Department of Ecology to study the adequacy of financing to ensure landfill closures. The veto message indicates that the study will be done by the Department in consultation with the UTC and SWAC.

Roll Calls on a Bill: 2670 (1999-00)

Brief Authorizing the Department of Ecology to waive the requirement for a
Description: reserve account for landfills.

2000 Regular Session

Chamber: HOUSE
Bill No.: SHB 2670
Description: FINAL PASSAGE
Item No.: 15
Transcript No.: 31
Date: 02-09-2000

Yeas: 96 Nays: 01 Absent: 00 Excused: 01

Voting Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt,
yea: Buck, Bush, Cairnes, Carlson, Carrell, Chandler, B., Chandler, G., Clements,
Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson,
Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser,
Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst,
Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk,
Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell,
Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug,
Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman,
Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Skinner, Sommers,
D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van
Luven, Voloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and
Speaker Chopp

Voting Representative Campbell

nay:

Excused: Representative Scott

2000 Regular Session

Chamber: SENATE
Bill No.: SHB 2670
Description: FINAL PASSAGE AS AMENDED BY THE SENATE.
Item No.: 24
Transcript No.: 54
Date: 03-03-2000

Yeas: 47 Nays: 00 Absent: 01 Excused: 01

Voting Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner,
yea: Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter,
Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland,
McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice,
Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder,
Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli

Absent: Senator Hargrove
Excused: Senator Sellar

2000 Regular Session

Chamber: HOUSE
Bill No.: SHB 2670
Description: FINAL PASSAGE AS AMENDED BY THE SENATE
Item No.: 4
Transcript No.: 58
Date: 03-07-2000

Yeas: 98 Nays: 00 Absent: 00 Excused: 00

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp

HOUSE BILL 2851

Changing the state's funding limit for flood control maintenance projects

PROGRAM IMPACTS

When adopted into law and developed into a rule this bill will result in Ecology funding a larger percentage of project costs. This could result in fewer flood control projects receiving Flood Control Assistance Account Program (FCAAP) funding since the amount in the FCAAP account remains unchanged. This bill increases the funding maximum from 50% to 75% for flood control maintenance projects. Ecology FCAAP staff providing assistance to local governments may have fewer projects to track and monitor.

RESOURCE IMPACTS

There will be no fiscal impact on the Agency. No additional funding has been provided with this legislation. The net effect of this bill means fewer projects will probably be funded under the FCAAP grant program. A corollary effect may be to make the funding distribution less equitable as the larger projects tend to favor larger governments due to their ability to fund and execute the bigger projects. Smaller, rural counties could be at a potential disadvantage.

WORK PLAN

The technical advisory committee established for ESHB 2934 will review this bill; however, since no draft rule is required the committee will not have any further involvement.

It is proposed that this bill will proceed through the CR-102XA Expedited Adoption process. The administrative revision to WAC 173-145 will be completed by November 30, 2000. Some revisions will be made to the FCAAP application process to reflect this prior to the solicitation for grant applications for next biennium.

No additional staff hiring is anticipated

Contact person: Tim D'Acci – Shoreland Environmental Assistance Program

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FINAL BILL REPORT

HB 2851

C 20 L 00

Synopsis as Enacted

Brief Description: Changing the state's funding limit for flood control maintenance projects.

Sponsors: Representatives Reardon, G. Chandler, Linville, Grant, Stensen, Cooper and Haigh.

House Committee on Appropriations

Senate Committee on Natural Resources, Parks & Recreation

Background:

The Flood Control Assistance Account Program (FCAAP) was established by the Washington Legislature in 1984 to develop a state and local flood control maintenance policy. The Department of Ecology administers and enforces laws relating to flood control.

The Flood Control Assistance Account, also established in 1984, receives \$4 million each biennium from the state general fund for state participation in flood control maintenance. Matching grants are available to counties, cities, towns and other special districts for comprehensive flood hazard management plans, specific projects or studies, and emergency flood-related activities. The state's share of funding for flood control projects may not exceed 50 percent, and the state's share of funding for flood control management plans may not exceed 75 percent. During the 1999-01 biennium, the Department of Ecology expects to spend FCAAP funds on administration of the flood control program, flood control planning and implementation, early warning systems, acquisition, and flood damage reduction projects.

Summary of Bill:

The state's share of costs for flood control maintenance projects is increased from 50 percent to 75 percent of the total cost of the project.

Votes on Final Passage:

House	97 0
Senate	43 0

Effective: June 8, 2000

Roll Calls on a Bill: 2851 (1999-00)

Brief Description: Changing the state's funding limit for flood control maintenance projects.

2000 Regular Session

Chamber: HOUSE
Bill No.: HB 2851
Description: FINAL PASSAGE
Item No.: 44
Transcript No.: 32
Date: 02-10-2000

Yeas: 97 Nays: 00 Absent: 00 Excused: 01

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp

Excused: Representative Scott

2000 Regular Session

Chamber: SENATE
Bill No.: HB 2851
Description: THIRD READING - FINAL PASSAGE.
Item No.: 28
Transcript No.: 53
Date: 03-02-2000

Yeas: 43 Nays: 00 Absent: 00 Excused: 06

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Heavey, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli

Excused: Senators Goings, Hochstatter, Kline, Loveland, Patterson, Sellar

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2867

Providing for the issuance of reservoir permits to store and recover water in an underground geological formation

PROGRAM IMPACTS

The bill authorizes Ecology to issue water right permits for projects in which it is proposed to store water in underground formations for later retrieval and beneficial use. This will result in receipt of a small number of relatively complex water right applications (perhaps one or two per year). Ecology is also required to adopt rules regarding that standards under which such projects will be reviewed and for mitigation of adverse effects. The Department is to report to the Legislature by December 31, 2001 on the standards and on the status of any applications that have been filed with the Department for such projects.

RESOURCE IMPACTS

No new resources were appropriated to Ecology for implementation. Ecology agreed to absorb the additional rulemaking and permit workload required to implement the bill.

WORK PLAN

- New applications for projects will generate a small amount of new revenue from water right fees that will go to the state General Fund. Applications received for underground storage projects will be processed by existing permitting staff.
- Ecology has assigned existing staff from the Water Resources Program to the rulemaking required to establish the standards for review and mitigation. Ecology anticipates that the rulemaking will take at least until July 2001 to complete. Ecology will be assembling a technical advisory committee early in this process to evaluate technical issues relating to the standards.

Contact person: Ken Slattery – Water Resources Program

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FINAL BILL REPORT

E2SHB 2867

C 98 L 00

Synopsis as Enacted

Brief Description: Providing for the issuance of reservoir permits to store and recover water in an underground geological formation.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Linville, G. Chandler, Miloscia, Mitchell, Koster and Cooper).

House Committee on Agriculture & Ecology

House Committee on Appropriations

Senate Committee on Environmental Quality and Water Resources

Background:

Under the groundwater code, the Department of Ecology (DOE) may limit withdrawal by appropriators of groundwater to maintain a safe sustaining yield of water from a groundwater source for senior appropriators. For this purpose, the DOE may designate groundwater areas or sub-areas and also may designate separate depth zones within such an area or sub-area to control the withdrawal. If the DOE makes such a designation, a person claiming to be the owner of artificially stored groundwater within such an area, sub-area, or zone must file a declaration to that effect with the DOE.

Applications for reservoir permits are filed under the surface water code with the DOE. A person wishing to use any water stored in a reservoir must file an application for a secondary permit and provide evidence that an agreement has been entered into with the owners of the reservoir for enough water for the secondary permit.

Summary of Bill:

The "reservoirs" for which permits may be processed include natural underground formations which water may be stored and used as part of an underground artificial storage and recovery project. For such a project, the water may be stored by injection, surface spreading and infiltration, or other DOE-approved method. To qualify, the underground formation must meet standards for review and mitigation established by the DOE by rule. The issues to be addressed in this review and mitigation are: aquifer vulnerability and hydraulic continuity; potential impairment of existing water rights; geo-technical impacts; aquifer boundaries and characteristics; chemical compatibility of surface and ground waters; recharge and recovery treatment requirements; system operation; water rights; and environmental impacts.

Analysis of such a project and geological formation must be conducted through studies initiated by the applicant under the review of the DOE. The DOE must report to the Legislature by December 31, 2001, on its standards for review and mitigation and on the status of any applications that have been filed for such projects.

An underground artificial storage and recovery project does not apply to irrigation operational and seepage losses, irrigations return flows, water artificially stored due to irrigation district projects, reclaimed water, or artificially stored water that may be claimed when a groundwater sub-area is established. Requirements of existing law governing the issuance of permits to appropriate or withdraw waters are not altered.

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House	98	0	(House concurred)

Effective: June 8, 2000

Roll Calls on a Bill: 2867 (1999-00)

Brief Providing for the issuance of reservoir permits to store and recover water in
Description: an underground geological formation.

2000 Regular Session

Chamber: HOUSE
Bill No.: E2SHB 2867
Description: FINAL PASSAGE
Item No.: 7
Transcript No.: 37
Date: 02-15-2000

Yeas: 97 Nays: 00 Absent: 00 Excused: 01

Voting Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt,
yea: Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G.,
Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin,
Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen,
Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff,
Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz,
Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia,
Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug,
Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman,
Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Skinner, Sommers,
D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van
Luven, Voloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and
Speaker Chopp

Excused: Representative Scott

2000 Regular Session

Chamber: SENATE
Bill No.: E2SHB 2867
Description: FINAL PASSAGE AS AMENDED BY THE SENATE.
Item No.: 26
Transcript No.: 52
Date: 03-01-2000

Yeas: 46 Nays: 00 Absent: 00 Excused: 03

Voting Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser,
yea: Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford,
Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe,
McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach,
Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens,
Thibaudeau, West, Winsley, Wojahn, Zarelli

Excused: Senators Finkbeiner, Sellar, Swecker

2000 Regular Session

Chamber: HOUSE
Bill No.: E2SHB 2867
Description: FINAL PASSAGE AS AMENDED BY THE SENATE
Item No.: 9
Transcript No.: 57
Date: 03-06-2000

Yeas: 98 Nays: 00 Absent: 00 Excused: 00

Voting
yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp

ENGROSSED SUBSTITUTE HOUSE BILL 2934

Making changes to flood plain construction limitations

PROGRAM IMPACTS

This bill requires Ecology to make approximately 5 determinations per year statewide regarding houses which have been damaged and are located in a riverine floodway. Ecology with local government concurrence could allow replacement of substantially damaged structures if a safe location could be determined. This legislation also re-establishes certain exemptions for farmhouses to the residential floodway prohibition enacted in the 1999 Legislature in ESHB 1963.

RESOURCE IMPACTS

Ecology determines that there would be only minimal fiscal impact on the Agency that will be absorbed by existing staff. No additional funding has been provided with this legislation. This bill allows Ecology with local concurrence to conduct scientific risk analysis prior to determining whether structures can be replaced. The number of analyses required is estimated to be 5 per year.

WORK PLAN

A technical advisory committee has been established for ESHB 2934 that includes representatives from the Federal Emergency Management Agency (FEMA), city and county local governments and Ecology to prepare a draft rule under WAC 173-158. Ecology will finalize the draft rule for the SEPA process. Ecology will conduct public hearings and prepare a responsiveness summary on all comments. Ecology will finalize the rule language.

The CR-101 will be filed in June 2000. The CR-102 and draft rule will be filed in September 2000. Public hearings will occur in October or November 2000. Rule adoption will be concluded by December 31, 2000.

Hiring of additional staff is not anticipated.

Contact person: Tim D'Acci – Shoreland Environmental Assistance Program

Phone: (360) 407-6796; E-mail: tdac461@ecy.wa.gov

FINAL BILL REPORT

ESHB 2934

C 222 L 00

Synopsis as Enacted

Brief Description: Making changes to flood plain construction limitations.

Sponsors: Representative Koster.

House Committee on Local Government

Senate Committee on State & Local Government

Background:

The Department of Ecology (DOE) coordinates the flood plain management regulation elements of the national flood insurance program (NFIP) in Washington. Local flood plain management regulations for construction activities which might affect the security of life, health and property must comply with the NFIP and state requirements for flood plain management.

State and local flood plain management regulations are based on designated special flood hazard areas on Federal Emergency Management Agency (FEMA) maps. The DOE establishes minimum state requirements and has authority to approve or reject designs and plans for structures or works constructed across the floodway of any stream or water body in the state. The DOE also may disapprove such designs and plans if the local flood plain management ordinance or amendment does not restrict land uses within designated floodways, including prohibiting construction or reconstruction of residential structures except:

- repairs, reconstruction or improvements not increasing ground floor area; and
- repairs, reconstruction or improvements, the cost of which does not exceed 50 percent of the structure's market value either before the repair started or before the damage occurred.

Work done to comply with local health, sanitary, or safety codes is exempt from the 50 percent determination regarding market value for purposes of the floodway prohibition. Historic structures are also exempt from the 50 percent determination.

Legislation enacted in 1999 exempted existing farmhouses in designated floodways from the general floodway prohibition against substantial repair or reconstruction provided certain conditions are satisfied. The 1999 legislation also allowed the DOE to consider recommending repair or replacement of

residential structures other than farmhouses and required the DOE to adopt rules by December 31, 1999, related to the new authority.

Summary of Bill:

The exemption from the 50 percent determination related to floodway construction for work done to comply with local health, sanitary or safety codes is amended. Projects to correct local health, sanitary, or safety code violations identified by a local code or building enforcement official are exempt from the 50 percent determination if they are the minimum necessary to ensure safe living conditions.

The exemption from the 50 percent determination related to floodway construction for structures identified as historic places is replaced with an exemption from the floodway prohibition for historic structures.

Substantially damaged residential structures, other than farmhouses, located in designated floodways may also be exempt from the floodway prohibition under certain circumstances. Upon request of a local government, the DOE may recommend repair, replacement or relocation of substantially damaged residential structures other than farmhouses. The DOE must assess the risk of harm to life and property posed by floodway conditions and base its recommendation on scientific analysis of depth, velocity and flood-related erosion. The DOE's recommendation, with the local government's concurrence, to allow repair or replacement of such a substantially damaged residential structure is a waiver of the floodway prohibition.

The deadline for the DOE to develop rules related to the assessment procedures and criteria for repair, replacement or relocation of residential structures other than farmhouses is extended to December 31, 2000.

Votes on Final Passage:

House	97	0
Senate	46	0

Effective: June 8, 2000

Roll Calls on a Bill: 2934 (1999-00)

Brief Making changes to flood plain construction limitations.
Description:

2000 Regular Session

Chamber: HOUSE
Bill No.: ESHB 2934
Description: FINAL PASSAGE
Item No.: 26
Transcript No.: 32
Date: 02-10-2000

Yeas: 97 Nays: 00 Absent: 00 Excused: 01

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp

Excused: Representative Scott

2000 Regular Session

Chamber: SENATE
Bill No.: ESHB 2934
Description: THIRD READING - FINAL PASSAGE.
Item No.: 30
Transcript No.: 54
Date: 03-03-2000

Yeas: 46 Nays: 00 Absent: 01 Excused: 02

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli

Absent: Senator Hargrove

Excused: Senators Prentice, Sellar

HOUSE BILL 2993

Setting fires for fire fighter instruction

PROGRAM IMPACTS

The bill modifies state fire protection law. Before fire protection districts set fire to structures as a way to train firefighters in methods of fire fighting, prevailing air patterns must be considered to determine if the training fire is likely to cause air pollution in sensitive areas downwind of the proposed fire location. The bill also authorizes the fire agency or fire protection district to conduct the already-required good faith inspection to determine if materials containing asbestos are present.

No obligations or requirements are placed on Ecology. Because of our experience in predicting air pollution, Ecology may be asked or expected to consider the prevailing air patterns for some of these fires and determine if they are likely to cause air pollution in sensitive, downwind areas. Ecology may also be asked to explain the change in law to citizens, fire districts or local governments.

RESOURCE IMPACTS

No new revenue was provided to Ecology to implement or explain the bill. We expect any resource implications to be small.

WORK PLAN

Provide advice and information to citizens, fire districts and local government as resources permit.

Contact person: Stu Clark – Air Quality Program

Phone: (360) 407-6873; E-mail: scla461@ecy.wa.gov

FINAL BILL REPORT

HB 2993

C 199 L 00

Synopsis as Enacted

Brief Description: Setting fires for fire fighter instruction.

Sponsors: Representatives G. Chandler and Cooper.

House Committee on Local Government

Senate Committee on State & Local Government

Background:

Fire protection district fire fighters may, for instruction in methods of fire fighting, set fire to structures without a permit. These structures must be located outside the urban growth areas in counties that plan under the Growth Management Act, and outside any city with a population of 10,000 or more in all other counties. Fires may be set without a permit if:

- the fire conforms with any other permits, licenses, or approvals required;
- the fire is not located in an area that is declared to be in an air pollution episode or any stage of an impaired air quality;
- nuisance laws are applicable to the fire;
- notice of the fire is provided to owners of property adjoining the property on which the fire will occur, and any other persons who will potentially be impacted by the fire, or any additional persons as specifically requested by the local air pollution control agency or the Department of Ecology;
- each structure proposed to be set on fire is identified as one to be set on fire; and
- a good faith inspection is conducted to determine if materials containing asbestos are present, the inspection is documented in writing to the appropriate local air authority or the Department of Ecology, and any asbestos found is removed as required by law.

Summary of Bill:

The conditions that must be met by a fire protection district to set a training fire without a permit are clarified to require that:

- the district consider prevailing air patterns, to ensure that the fire is unlikely to cause air pollution in sensitive areas downwind; and
- the good-faith inspection for asbestos required prior to setting a structure on fire be conducted by the fire agency or fire protection district conducting the training fire.

Votes on Final Passage:

House 97 0
Senate 46 0 (Senate amended)
House 98 0 (House concurred)

Effective: June 8, 2000

Roll Calls on a Bill: 2993 (1999-00)

Brief Description: Setting fires for fire fighter instruction.

2000 Regular Session

Chamber: HOUSE
 Bill No.: HB 2993
 Description: FINAL PASSAGE
 Item No.: 35
 Transcript No.: 31
 Date: 02-09-2000

Yeas: 97 Nays: 00 Absent: 00 Excused: 01

Voting Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt,
 yea: Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G.,
 Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin,
 Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen,
 Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff,
 Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz,
 Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia,
 Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug,
 Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman,
 Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Skinner, Sommers,
 D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van
 Luven, Veloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and
 Speaker Chopp
 Excused: Representative Scott

2000 Regular Session

Chamber: SENATE
 Bill No.: HB 2993
 Description: FINAL PASSAGE AS AMENDED BY THE SENATE.
 Item No.: 35
 Transcript No.: 53
 Date: 03-02-2000

Yeas: 46 Nays: 00 Absent: 01 Excused: 02

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner,
 Franklin, Fraser, Gardner, Goings, Hale, Haugen, Heavey, Hochstatter,
 Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland,
 McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice,
 Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin,
 Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn, Zarelli
 Absent: Senator Hargrove
 Excused: Senators Sellar, Thibaudeau

2000 Regular Session

Chamber: HOUSE
Bill No.: HB 2993
Description: FINAL PASSAGE AS AMENDED BY THE SENATE
Item No.: 10
Transcript No.: 57
Date: 03-06-2000

Yeas: 98 Nays: 00 Absent: 00 Excused: 00

Voting
yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp

ENGROSSED HOUSE BILL 3068

Exempting personal property used in connection with privatization contracts for the treatment of radioactive waste and hazardous substances from property taxes

PROGRAM IMPACTS

This bill envisioned issuance of a privatization contract by the U. S. Department of Energy (USDOE) for Hanford tank waste treatment. Impacts to Ecology would have focused on an annual evaluation by Program staff of contractor compliance with contract and Hanford Federal Facility Agreement and Consent Order requirements. Ecology's annual assessments were to have begun in October of 2001. Each assessment would have required roughly 3-4 staff weeks.

NOTE: On May 8, 2000, the USDOE announced that it was abandoning its privatization approach to Hanford tank waste treatment and that it was terminating its contract with British Nuclear Fuels Ltd. (BNFL inc.). As a result, I expect that annual assessments required of Ecology by this legislation will not be needed.

RESOURCE IMPACTS

None Expected (See above Note)

WORK PLAN

None Required (See above note)

Contact person: Roger Stanley – Nuclear Waste Program

Phone: (360) 407-7108; E-mail: rost461@ecy.wa.gov

FINAL BILL REPORT

EHB 3068

C 246 L 00

Synopsis as Enacted

Brief Description: Exempting personal property used in connection with privatization contracts for the treatment of radioactive waste and hazardous substances from property taxes.

Sponsors: Representatives Kessler, Hankins, Delvin, Mastin, Grant, Linville and G. Chandler.

House Committee on Finance

Background:

All property in Washington is subject to the property tax each year based on the property's value unless a specific exemption is provided by law. Property owned by governments is exempt from property tax. However, private property located on government owned property is not exempt from tax.

Summary of Bill:

Starting in 2002, private personal property located on federal land at the Hanford reservation that is used exclusively in the performance of a contract with the federal government to pretreat, treat, vitrify, and immobilize tank waste is exempt from state property tax. To be exempt from state property tax for the years 2002 through 2005, the owner must comply with schedules for tank waste treatment start of construction, hot commissioning, tax waste pretreatment processing, and vitrification. The contractor must file progress reports with the Washington Department of Ecology in August of each year. Starting in 2006, the property is exempt from both state and local property taxes.

Votes on Final Passage:

House	98 0
Senate	44 2

Effective: January 1, 2001

Roll Calls on a Bill: 3068 (1999-00)

Brief Exempting personal property used in connection with privatization contracts
Description: for the treatment of radioactive waste and hazardous substances from
 property taxes.

2000 Regular Session

Chamber: HOUSE
Bill No.: EHB 3068
Description: FINAL PASSAGE
Item No.: 5
Transcript No.: 60
Date: 03-09-2000

Yeas: 98 Nays: 00 Absent: 00 Excused: 00

Voting Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt,
yea: Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G.,
 Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin,
 Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer,
 Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins,
 Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster,
 Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris,
 Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette,
 Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller,
 Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-
 Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump,
 Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood,
 Woods, Speaker Ballard, and Speaker Chopp

2000 Regular Session

Chamber: SENATE
Bill No.: EHB 3068
Description: THIRD READING - FINAL PASSAGE.
Item No.: 44
Transcript No.: 60
Date: 03-09-2000

Yeas: 44 Nays: 02 Absent: 00 Excused: 03

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Franklin,
 Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter,
 Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe,
 McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach,
 Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker,
 West, Winsley, Wojahn, Zarelli
Voting nay: Senators Jacobsen, Thibaudeau
Excused: Senators Finkbeiner, Sellar, Snyder

SUBSTITUTE HOUSE BILL 3076

Convening a work group on streamlining project permit processes

PROGRAM IMPACTS

Agencies are required to convene a workgroup to evaluate and assess existing transportation programs for applicability to permit streamlining process. Department of Transportation (DOT) has committed to form the workgroup and chair the meetings, and prepare the discussion materials for developing a plan for a DOT self-certification program for monitoring project compliance. Ecology will sit on the workgroup and provide review, feedback, and potentially assist in development of the plan.

RESOURCE IMPACTS

DOT has committed to provide the draft plans for review, so there should not be a large resource impact. The role for Ecology will be to attend the meetings, and provide feedback. One FTE will be required, and Ecology will use the FTE position that is currently funded by DOT, so no direct resource impacts will occur on the Agency. In the long run, we should see resource gains if the certification program is designed correctly – it should result in less compliance inspections by Ecology, and less violations.

WORK PLAN

It is in Ecology's best interest to take an active role in developing the plan and process for self certification as required by the bill. We are only required to play a review role, but if we assist in development of the plan to get a process that will result in less violations, and a decrease in the need for Ecology field presence, the environment will benefit, and the Ecology work load will decrease.

Timeline – A report is due December 1, 2000 that outlines a plan for allowing self-certification.

There is no proposed hiring plan. The current DOT policy Liaison will do the work.

Contact person: Sandra Manning – Shoreland Environmental Assistance Program

Phone: (360) 407-6912; E-mail: sman461@ecy.wa.gov

FINAL BILL REPORT

SHB 3076

C 101 L 00

Synopsis as Enacted

Brief Description: Convening a work group on streamlining project permit processes.

Sponsors: By House Committee on Transportation (originally sponsored by Representatives G. Chandler, Fisher, Mitchell, Cooper, Hankins, Skinner, Ericksen, McDonald, Radcliff, Mulliken and Pflug).

House Committee on Transportation
Senate Committee on Transportation

Background:

State, federal, and local environmental regulations, several of which have their own permitting requirements, are administered by several different agencies. As a result, environmental permits can be delayed when review processes are done in sequence rather than concurrently. Congress recognized these process delays in the Transportation Equity Act of the 21st Century (TEA-21) where it required federal agencies to seek innovative ways to coordinate permit streamlining.

An example of permit streamlining involves the Department of Transportation's (WSDOT) Environmental Affairs Office working with the Federal Highway Administration (FHWA) to receive federal delegation of the biological assessment process associated with the Endangered Species Act (ESA). The WSDOT demonstrated a process acceptable to the federal agency responsible for ESA permitting and the federal agency delegated ESA permitting authority to the WSDOT. This eliminates at least one level of review and speeds up the permitting process without compromising the integrity of the process. The federal Department of Transportation and the FHWA become auditors of the program, thus enabling limited staff to focus on overall statewide compliance.

Summary of Bill:

A work group is convened to evaluate the applicability of Federal Transportation Certification Acceptance Programs to environmental processes. The workshop includes the following partners: the WSDOT; the Department of Ecology; the Department of Fish and Wildlife; and representatives from cities and counties. The group is charged with presenting a report to the Legislature by December 1, 2000.

Votes on Final Passage:

House 95 0
Senate 47 0

Effective: June 8, 2000

Roll Calls on a Bill: 3076 (1999-00)

Brief Convening a work group on streamlining project permit processes.
Description:

2000 Regular Session

Chamber: HOUSE
Bill No.: SHB 3076
Description: FINAL PASSAGE
Item No.: 6
Transcript No.: 36
Date: 02-14-2000

Yeas: 95 Nays: 00 Absent: 00 Excused: 03

Voting Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt,
yea: Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G.,
Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin,
Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser,
Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst,
Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk,
Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell,
Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen,
Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler,
Schmidt, D., Schoesler, Schual-Berke, Skinner, Sommers, D., Sommers, H.,
Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria,
Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp
Excused: Representatives Eickmeyer, Radcliff, Scott

2000 Regular Session

Chamber: SENATE
Bill No.: SHB 3076
Description: THIRD READING - FINAL PASSAGE.
Item No.: 19
Transcript No.: 54
Date: 03-03-2000

Yeas: 47 Nays: 00 Absent: 01 Excused: 01

Voting Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner,
yea: Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey,
Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long,
Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice,
Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel,
Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli
Absent: Senator Snyder
Excused: Senator Sellar

ENGROSSED SUBSTITUTE SENATE BILL 6277

Authorizing cost-reimbursement agreements for leases and environmental permits

PROGRAM IMPACTS

ESSB 6277 amends the enabling authorities of the State Departments of Ecology (Ecology), Fish and Wildlife, Health, and Natural Resources, as well as State Local Air Pollution Control Authorities, to permit such agencies to enter into voluntary cost-reimbursement agreements with applicants of “complex” projects. “Complex” projects are defined as those requiring an environmental impact statement or EIS (i.e., roughly 1.5% of all projects.)

Under the terms of a cost-reimbursement agreement, permit applicants of complex projects may reimburse agencies for their costs (e.g., direct, indirect, contracts, contractor oversight and review, etc.) associated with providing project permit coordination, environmental review, application review, technical studies, and permit processing. An exception to the complex project threshold is established for matters related to water rights. More specifically, such cost-reimbursement agreements may be established for the processing of water right applications if the applicant agrees to pay for the processing of relevant senior applications regardless of whether or not a project requires an EIS.

ESSB 6277 establishes several additional considerations regarding (1) requiring agencies to first consider use of independent contractors, (2) requiring compliance with state ethics laws, (3) not supplanting existing agency funding, (4) maintaining existing agency resources for small projects, (5) re-affirming agencies’ decision-making role on matters of policy, and (6) sunseting the cost-reimbursement authority July 1, 2005.

RESOURCE IMPACTS

ESSB 6277 synchronizes Ecology’s statutory authority for cost-reimbursement agreements with the budget authority it received last legislative session (i.e., 1999 legislative session). In other words, ESSB 6277 provides Ecology with the explicit statutory authority it needs to spend the \$1,008,000 per fiscal year in biennial cost-reimbursement budget authority it received last legislative session. For Fiscal Year 2001 (i.e., July 1, 2000 through June 30, 2001), Ecology now has synchronized statutory and budget authority to enter into voluntary cost-reimbursement agreements with applicants to a collective ceiling of \$1,008,000. No additional resources are assumed needed to implement ESSB 6277 for the remainder of this biennium.

WORK PLAN

Ecology will work closely with Office of Financial Management, the Attorney General's Office, the other Agencies affected by ESSB 6277, and the stakeholder groups who played a major role in shaping development of ESSB 6277 over the last two Legislative sessions to ensure the State as a whole is approaching implementation and administration of the new cost-reimbursement law in a coordinated and consistent manner.

Two significant steps will define Ecology's approach toward implementing ESSB 6277. These are:

- Internal Readiness — This implementation steps consists of those activities necessary to ensure Ecology is ready to act on an applicant's request to use the new cost-reimbursement tool., e.g., establish boilerplate cost-reimbursement agreements, secure necessary legal interpretation and guidance, create appropriate checklists and internal procedures, align internal budgeting, fiscal, and accounting mechanisms, and set up necessary internal information collection and reporting systems in anticipation of later Legislative review and evaluation of the cost-reimbursement tool.
- Pre-Qualified Consultant Pool — This implementation step consists of those activities necessary to establish an annual (or biennial) pool of pre-qualified consultants to be used for cost-reimbursement work under ESSB 6277, e.g., develop and issue RFQ to competitively establish pool, establish necessary procedures regarding use and administration of the pool, coordinate Ecology's consultant pool with those established by other agencies under ESSB 6227, etc.

Projected timeline to accomplish requirements of the bill:

- Complete Internal Readiness step — Spring 2000
- Complete Pre-Qualified Consultant Pool step — Summer 2000

No proposed hiring plan is required.

Contact person: Scott Boettcher – Permit Assistance Center
Phone: (360) 407-7564; E-mail: sboe461@ecy.wa.gov.

FINAL BILL REPORT

ESSB 6277

C 251 L 00

Synopsis as Enacted

Brief Description: Authorizing cost-reimbursement agreements for leases and environmental permits.

Sponsors: Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators B. Sheldon, Swecker, Jacobsen, Franklin, Morton, Costa, Fraser, Eide, Spanel, Thibaudeau and Kohl-Welles).

Senate Committee on Environmental Quality & Water Resources
House Committee on Agriculture & Ecology

Background: State and local governments often lack the personnel and financial resources to conduct environmental reviews and process permit applications in a timely manner. This situation is compounded when agencies review permit applications for large and complex projects. Not only is the large project delayed, so too is the review and processing of permits for small projects.

Cost-reimbursement agreements are currently authorized for the coordination activities only as a part of the coordinated permit process of the permit assistance center. This authority expires in June, 2000.

Summary: Voluntary cost-reimbursement agreements may be negotiated between applicants for complex permits and the Departments of Ecology, Natural Resources, Health, and Fish and Wildlife, and local air pollution control authorities. The Department of Natural Resources may also use these agreements for any lease application except aquatic leases. A complex permit is a permit which requires an environmental impact statement (EIS).

Under a cost-reimbursement agreement, the applicant pays the reasonable costs incurred by the agency or local pollution control authority for permit coordination, environmental review, application review, technical studies, permit processing, and carrying out the requirements of other relevant laws.

The agency is required to contract with independent consultants to carry out the work covered by a cost-reimbursement agreement. The funds may also be used to assign current staff to review the consultants' work and to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable. The agency must make an estimate of the number of permanent staff hours needed to process permits, and is required to contract with independent consultants to replace the time and functions performed by these permanent staff which are committed to permits

under the cost-reimbursement agreement. Necessary direct and indirect costs that arise from processing the permit may also be recovered from funds provided under the agreement. Final decisions involving policy matters are made by the agency rather than the consultant.

An agency may not use any funds provided under a cost-reimbursement agreement to supplant existing funding. The use of cost-reimbursement agreements may not result in reductions in the current level of staff available to work on permits not covered by these agreements.

The conflict of interest provisions provided under the Ethics in Public Service law apply to these agreements and to persons hired under these agreements. An air pollution control authority is considered to be a state agency for the sole purpose of applying this ethics law to cost-reimbursement agreements negotiated by the air pollution control authority.

No new cost-reimbursement agreement may be negotiated after July 1, 2005, but an adopted agreement on that date may be completed.

An applicant for a new water right or a change or transfer for a water right may initiate a cost-reimbursement agreement if the applicant agrees to pay for the processing of all permit applications affecting the same water source and ahead of the permit applicant, except that no EIS is required.

Votes on Final Passage:

Senate	46	0	
House	69	29	(House amended)
Senate			(Senate refused to concur)
House	91	7	(House amended)
Senate	31	16	(Senate concurred)

Effective: March 31, 2000

Roll Calls on a Bill: 6277 (1999-00)

Brief Description: Authorizing cost-reimbursement agreements for leases and environmental permits.

2000 Regular Session

Chamber: SENATE
Bill No.: ESSB 6277
Description: THIRD READING - FINAL PASSAGE.
Item No.: 19
Transcript No.: 31
Date: 02-09-2000

Yeas: 46 Nays: 00 Absent: 00 Excused: 03

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli
Excused: Senators Kline, Sellar, Stevens

2000 Regular Session

Chamber: HOUSE
Bill No.: ESSB 6277
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 16
Transcript No.: 54
Date: 03-03-2000

Yeas: 69 Nays: 29 Absent: 00 Excused: 00

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Grant, Haigh, Hankins, Hatfield, Huff, Kastama, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Parlette, Pennington, Pflug, Quall, Radcliff, Rockefeller, Schindler, Schmidt, D., Schoesler, Scott, Skinner, Sommers, D., Sommers, H., Sump, Talcott, Thomas, Van Luven, Wensman, Wolfe, Woods, Speaker Ballard
Voting nay: Representatives Barlean, Constantine, Conway, Cooper, Dickerson, Dunshee, Edmonds, Fisher, Fortunato, Gombosky, Hurst, Kagi, Keiser, Kenney, McIntire, Ogden, Poulsen, Reardon, Regala, Romero, Ruderman, Santos, Schual-Berke, Stensen, Sullivan, Tokuda, Voloria, Wood, and Speaker Chopp

2000 Regular Session

Chamber: HOUSE
Bill No.: ESSB 6277
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 3
Transcript No.: 59
Date: 03-08-2000

Yeas: 91 Nays: 07 Absent: 00 Excused: 00

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp

Voting nay: Representatives Constantine, Keiser, McIntire, Poulsen, Romero, Schual-Berke, Veloria

2000 Regular Session

Chamber: SENATE
Bill No.: ESSB 6277
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE.
Item No.: 6
Transcript No.: 60
Date: 03-09-2000

Yeas: 31 Nays: 16 Absent: 00 Excused: 02

Voting yea: Senators Bauer, Benton, Deccio, Eide, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, West, Zarelli

Voting nay: Senators Brown, Costa, Franklin, Fraser, Gardner, Heavey, Jacobsen, Kline, Kohl-Welles, Patterson, Prentice, Rasmussen, Spanel, Thibaudeau, Winsley, Wojahn

Excused: Senators Fairley, Sellar

SUBSTITUTE SENATE BILL 6294

Creating the Aquatic Nuisance Species Committee

PROGRAM IMPACTS

Representatives from Ecology are expected to serve on the Aquatic Nuisance Species Committee that was created under this bill. The committee is expected to:

Periodically revise the State Aquatic Nuisance Species Plan;

Make recommendations on which aquatic nuisance plant or animal species should be listed for regulation;

Coordinate state educational, research, and management programs dealing with aquatic nuisance species;

Participate in national and regional aquatic nuisance species efforts;

Consult with industry and others about activities that may serve as a pathway for the introduction of aquatic nuisance species; and

Prepare a biennial legislative report about Committee recommendations and accomplishments.

RESOURCE IMPACTS

No funding was provided to implement this bill. Ecology representatives have been serving on aquatic nuisance species committees in past years and will continue their involvement with this activity. At least 0.1 FTE of Ecology staff time will be required to fulfill Committee expectations.

WORK PLAN

The Department of Fish and Wildlife has taken the lead on soliciting Aquatic Nuisance Species Committee members from Ecology and other state agencies. Several Ecology staff have been invited to serve on this Committee. Ecology staff will attend each meeting (expected to meet on a quarterly basis or less). It is expected that Ecology staff will be asked to chair at least one subcommittee of the Aquatic Nuisance Species Committee.

The first Aquatic Nuisance Species Committee meeting was held May 25, 2000. This is an ongoing Committee and it is expected to meet on a quarterly basis or less. Additional Committee work will be required from Ecology staff on an as-needed basis.

No new staff are proposed to be hired.

Contact person: Kathy Hamel – Water Quality Program
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FINAL BILL REPORT

SSB 6294

C 149 L 00

Synopsis as Enacted

Brief Description: Creating the aquatic nuisance species committee.

Sponsors: Senate Committee on Natural Resources, Parks & Recreation
(originally sponsored by Senators Jacobsen, Haugen and Oke).

Senate Committee on Natural Resources, Parks & Recreation
House Committee on Natural Resources

Background: Population increases, more rapid means of transportation and other factors have contributed to a dramatic increase in the accidental introduction of nonnative species throughout the world. The introduction of new species can have unpredictable and often negative impacts. Aquatic plants and animals that are especially destructive when introduced into new areas are referred to as aquatic nuisance species.

Aquatic nuisance species, such as zebra mussels, European green crab, Chinese mitten crab, spartina, and hydrilla, can seriously threaten the ecological integrity of Washington's marine and freshwater resources. Aquatic nuisance species can have significant negative impacts on the economic, social, and public health conditions in the state. Often these species have few natural controls in their new habitat and can spread rapidly, destroying native plant and animal habitat and reducing recreational opportunities. Often the introduction of such species lowers property values, clogs waterways, and impacts both irrigation and power generation negatively.

Congress has authorized \$4 million annually to fund the implementation of state management plans to minimize the environmental and economic damage caused by aquatic nuisance species. In recent years, only a small portion of these funds, about \$200,000, has been made available to the states.

Summary: An Aquatic Nuisance Species Coordinating Committee is created consisting of representatives from the departments of Fish and Wildlife, Ecology, Agriculture, Health, and Natural Resources; the Puget Sound Water Quality Action Team; the State Patrol; the State Noxious Weed Control Board; the Washington Public Ports Association; and the Washington Sea Grant Program. The Committee periodically revises the State Aquatic Nuisance Species Management Plan. The Committee makes recommendations to the Legislature on statutory provisions for classification and regulation of aquatic nuisance species. The Committee coordinates education, research, regulations, monitoring and control among the member agencies. The Committee makes recommendations to the State Noxious Weed Control Board

on the designation of aquatic nuisance species. The Committee must prepare a report for the Legislature by December 1, 2001.

Votes on Final Passage:

Senate	47	0	
House	96	1	(House amended)
House	97	0	(House reconsidered)
Senate	46	0	(Senate concurred)

Effective: June 8, 2000

Roll Calls on a Bill: 6294 (1999-00)

Brief Description: Creating the aquatic nuisance species committee.

2000 Regular Session

Chamber: SENATE
Bill No.: SSB 6294
Description: THIRD READING - FINAL PASSAGE.
Item No.: 9
Transcript No.: 33
Date: 02-11-2000

Yeas: 47 Nays: 00 Absent: 00 Excused: 02

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli

Excused: Senators McCaslin, Sellar

2000 Regular Session

Chamber: HOUSE
Bill No.: SSB 6294
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 2
Transcript No.: 53
Date: 03-02-2000

Yeas: 96 Nays: 01 Absent: 00 Excused: 01

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp

Voting nay: Representative Ericksen

Excused: Representative Kenney

2000 Regular Session

Chamber: HOUSE
Bill No.: SSB 6294
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 8
Transcript No.: 53
Date: 03-02-2000

Yeas: 97 Nays: 00 Absent: 00 Excused: 01

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp

Excused: Representative Kenney

2000 Regular Session

Chamber: SENATE
Bill No.: SSB 6294
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE.
Item No.: 3
Transcript No.: 58
Date: 03-07-2000

Yeas: 46 Nays: 00 Absent: 01 Excused: 02

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Wojahn, Zarelli

Absent: Senator Loveland

Excused: Senators Sellar, Swecker

SUBSTITUTE SENATE BILL 6349

PROGRAM IMPACTS

This bill does not create any new requirements. It merely makes permanent the authority of the Department of Ecology to delegate to willing counties and local health districts a portion of Ecology's authority to regulate the construction and decommissioning of water wells. Under this authority, Ecology currently has delegation agreements and provides grants to fifteen counties or health districts around the state. The bill will allow Ecology to renew its agreements with these entities and to establish new agreements in additional counties on request. The local entities are authorized to inspect wells for proper sealing and decommissioning and for tagging wells with unique identification numbers.

RESOURCE IMPACTS

No new revenue or resources were requested or provided. The bill continues Ecology's authority to provide grants to local entities to partially defray their costs. The local entities receive one-half of the revenue collected by Ecology from well drilling fees within their counties. Revenues and expenditures are currently in balance.

WORK PLAN

No additional work is required except that Ecology will be renewing its agreements with delegated counties and health districts before July 1, 2000.

Contact person: Richard Szymarek – Water Resources Program

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FINAL BILL REPORT

SSB 6349

PARTIAL VETO

C 32 L 00

Synopsis as Enacted

Brief Description: Extending the expiration date of the water well delegation program.

Sponsors: Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Eide, Morton, Swecker, Prentice, Fraser, McAuliffe and Rasmussen).

Senate Committee on Environmental Quality & Water Resources
House Committee on Agriculture & Ecology

Background: Under existing law, the Department of Ecology may delegate some of its authority to regulate water well construction and decommissioning to local health districts or counties who request the delegation and have the capability to exercise the authority. The existing law was first enacted in 1992 and amended in 1993 and 1996. Delegation is accomplished through a memorandum of agreement and is limited to administration of well identification, sealing, and decommissioning requirements. Fees are shared.

Summary: The expiration date of the water well delegation program is extended from June 30, 2000 to June 30, 2006.

Votes on Final Passage:

Senate	48 1
House	97 0

Effective: June 8, 2000

Partial Veto Summary: The expiration date is vetoed, making the delegation program permanent, consistent with its proven success and cost-effectiveness.

Roll Calls on a Bill: 6349 (1999-00)

Brief Description: Extending the expiration date of the water well delegation program.

2000 Regular Session

Chamber: SENATE
Bill No.: SSB 6349
Description: THIRD READING - FINAL PASSAGE.
Item No.: 7
Transcript No.: 29
Date: 02-07-2000

Yeas: 48 Nays: 01 Absent: 00 Excused: 00

Voting yea: Senators Bauer, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli
Voting nay: Senator Benton

2000 Regular Session

Chamber: HOUSE
Bill No.: SSB 6349
Description: FINAL PASSAGE
Item No.: 19
Transcript No.: 51
Date: 02-29-2000

Yeas: 97 Nays: 00 Absent: 00 Excused: 01

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, D., Schoesler, Schual-Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp
Excused: Representative Santos

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6731

Creating a Lake Whatcom landscape plan

PROGRAM IMPACTS

The bill contains no specific responsibilities for Ecology. However, the Department of Natural Resources is directed to establish an interjurisdictional committee to help develop a landscape plan for state-owned forest land in the Lake Whatcom watershed area and to review site-specific activities and make recommendations. Ecology's Bellingham office will likely be requested to sit on the committee.

RESOURCE IMPACTS

No resources were provided to Ecology to implement this bill.

WORK PLAN

Bellingham Field Office staff will participate on the interjurisdictional committee.

Projected timeline – The landscape plan is to be completed by June 30, 2001. It is presently unclear whether the committee will continue after that date to provide on-going review of site-specific activities.

No new staff will be hired.

Contact person: Richard Grout – Bellingham Field Office
Phone: (360) 738-6250; **E-mail:** rgro461@ecy.wa.gov

FINAL BILL REPORT

E2SSB 6731

C 205 L 00

Synopsis as Enacted

Brief Description: Creating a Lake Whatcom landscape plan.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Spanel and Gardner).

Senate Committee on Natural Resources, Parks & Recreation

Senate Committee on Ways & Means

House Committee on Natural Resources

House Committee on Appropriations

Background: Some municipal watersheds are owned by the municipalities, but in most cases the ownership is mixed between public and private lands. In the case of the Whatcom County watershed which serves the city of Bellingham, the land includes private lands and county Forest Board and federally granted state trust lands managed by the Department of Natural Resources. The Legislature asked that a Lake Whatcom watershed study be done during 1999 and that the Department of Natural Resources and the committee formed by the 1999 law report back in the year 2000 to assess the costs and values related to protection of the watershed.

Summary: The Department of Natural Resources must develop a landscape management plan for state forest land in the Lake Whatcom watershed area. The Department must consult with other major forest landowners and watershed residents in developing the plan. The plan must establish riparian management zones along all streams. The Department must manage the lands within such zones to protect water quality and riparian habitat.

Road construction and timber harvest on potentially unstable slopes is carefully regulated. On unstable slopes, new road construction is prohibited and old road reconstruction is limited. The Department must create and implement a sustained yield model specific to Lake Whatcom consistent with the statewide model. The management plan must be completed and implemented by June 30, 2001. Timber harvest and road construction within the watershed must be delayed until the plan is completed.

Votes on Final Passage:

Senate	45	0	
House	98	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: June 8, 2000

Roll Calls on a Bill: 6731 (1999-00)

Brief Description: Creating a Lake Whatcom landscape plan.

2000 Regular Session

Chamber: SENATE
Bill No.: E2SSB 6731
Description: THIRD READING - FINAL PASSAGE.
Item No.: 25
Transcript No.: 33
Date: 02-11-2000

Yeas: 45 Nays: 00 Absent: 00 Excused: 04

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli

Excused: Senators Jacobsen, McCaslin, Sellar, Sheahan

2000 Regular Session

Chamber: HOUSE
Bill No.: E2SSB 6731
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 22
Transcript No.: 52
Date: 03-01-2000

Yeas: 98 Nays: 00 Absent: 00 Excused: 00

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp

2000 Regular Session

Chamber: SENATE

Bill No.: E2SSB 6731
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE.
Item No.: 4
Transcript No.: 58
Date: 03-07-2000

Yeas: 44 Nays: 00 Absent: 01 Excused: 04

Voting yea: Senators Bauer, Benton, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley, Wojahn, Zarelli
Absent: Senator Brown
Excused: Senators Deccio, Patterson, Sellar, West

SUBSTITUTE SENATE BILL 6781

Modifying provisions concerning the management of dairy nutrients

PROGRAM IMPACTS

The bill extends the Dairy Nutrient Task Force through June 30, 2004 and adds new members. It also lists several issues to be reviewed. Of particular interest to Ecology are defining a regulatory threshold on the "potential to pollute" and clarifying Ecology inspection responsibilities.

Ecology is also required to (a) be represented on the Task Force and attend meetings presenting information on implementation of our dairy responsibilities under Chapter RCW 90.64, and (b) by September 1, 2000 report to the Task Force on penalties assessed to dairy producers and the use of these funds under the Coastal Protection Fund (RCW 90.48.390) and Dairy Waste Account (RCW 90.64.150).

The bill reduces the Water Quality Program impacts from the expired Task Force by shifting staffing responsibilities from Ecology to the Conservation Commission for the re-authorized Task Force.

RESOURCE IMPACTS

Funding was not requested or provided. Resource impacts on the Water Quality Program will not be significant. Existing staff will accomplish Ecology's responsibilities under SSB 6781.

WORK PLAN

The Conservation Commission will provide staff support to the Task Force and will notify Ecology of meetings that need to be attended. Existing Water Quality Program staff will prepare the report on dairy penalties by September 1, 2000 working with our Fiscal Office and Shoreland Environmental Assistance Program staff. The hiring of additional staff is not required.

Contact persons:

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FINAL BILL REPORT

SSB 6781

PARTIAL VETO

C 147 L 00

Synopsis as Enacted

Brief Description: Modifying provisions concerning the management of dairy nutrients.

Sponsors: Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen and Morton).

Senate Committee on Agriculture & Rural Economic Development
House Committee on Agriculture & Ecology

Background: The Department of Ecology currently administers a dairy nutrient management program established in 1993. The program regulates discharges to state waters from dairy farms. In 1998, the Dairy Nutrient Management Act enhanced the Dairy Nutrient Management Program to include specific goals and schedules, as well as penalties for noncompliance by set deadlines.

Under the Dairy Nutrient Management Act of 1998, each dairy farm in the state is required to develop a dairy nutrient management plan by July 1, 2002, and to fully implement the plan by December 31, 2003. If dairy farms do not meet deadlines, an additional fine of \$100 per month per violation is to be assessed. These fines are in addition to any fines assessed for water quality violations.

The 1998 legislation included the formation of a Dairy Nutrient Advisory Committee. This committee was vetoed and the veto message directed the Department of Ecology to form an advisory committee. In 1999, a Dairy Nutrient Task Force that includes four legislative members was created to examine specified issues relating to the Dairy Nutrient Management Program. Authority for the task force expired on December 31, 1999. The task force has reported to the Legislature, as required, on the implementation of the Dairy Nutrient Management Program.

The task force's report identified several issues of concern and proposed action for each issue identified. It is felt that continued task force involvement would aid implementation of the Dairy Nutrient Management Program.

Summary: The Dairy Nutrient Management Task Force is created and terminates June 30, 2004. It supplements the existing membership on the task force with those members of the advisory committee that were not previously on the task force (a representative of a local health department, commercial shellfish growers, the U.S. Environmental Protection Agency, and the U.S.

Natural Resources Conservation Service). The three active dairy farmers are replaced with four dairy industry representatives.

By September 1, 2000, the Department of Ecology must report to the task force on the disposition of penalties from dairy producers for violations of chapters 90.48 and 90.64 RCW. By September 1, 2000, the Office of Financial Management must provide recommendations to the task force on ways to provide adequate funding through June 30, 2004, for the Dairy Nutrient Management Program to meet statutory deadlines.

By December 31, 2000, the task force must provide recommendations to the department and to the Legislature related to implementation of the Dairy Nutrient Management Act.

Staff support is provided by the Conservation Commission.

Votes on Final Passage:

Senate	41	4	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House	98	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: March 27, 2000

Partial Veto Summary: The Governor vetoed section 4 which would have required the Office of Financial Management to recommend how to provide adequate funding for the Dairy Nutrient Management Program.

Roll Calls on a Bill: 6781 (1999-00)

Brief Description: Modifying provisions concerning the management of dairy nutrients.

2000 Regular Session

Chamber: SENATE
Bill No.: SSB 6781
Description: THIRD READING - FINAL PASSAGE.
Item No.: 3
Transcript No.: 37
Date: 02-15-2000

Yeas: 41 Nays: 04 Absent: 00 Excused: 04

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Heavey, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli

Voting nay: Senators Eide, Fairley, Kline, Kohl-Welles

Excused: Senators Finkbeiner, Haugen, McDonald, Sellar

2000 Regular Session

Chamber: HOUSE
Bill No.: SSB 6781
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 7
Transcript No.: 53
Date: 03-02-2000

Yeas: 97 Nays: 00 Absent: 00 Excused: 01

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp

Excused: Representative Kenney

2000 Regular Session

Chamber: HOUSE
Bill No.: SSB 6781
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 4
Transcript No.: 59
Date: 03-08-2000

Yeas: 98 Nays: 00 Absent: 00 Excused: 00

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., Schoesler, Schual-Berke, Scott, Skinner, Sommers, D., Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Speaker Ballard, and Speaker Chopp

2000 Regular Session

Chamber: SENATE
Bill No.: SSB 6781
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE.
Item No.: 8
Transcript No.: 60
Date: 03-09-2000

Yeas: 45 Nays: 00 Absent: 00 Excused: 04

Voting yea: Senators Bauer, Benton, Brown, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Zarelli
Excused: Senators Fairley, Honeyford, McAuliffe, Sellar